

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDITH SCHLAIN WINDSOR, in her
capacity as Executor of the estate of THEA
CLARA SPYER,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

10-cv-8435 (BSJ) (JCF)

SUPPLEMENTAL EXPERT AFFIDAVIT OF LETITIA ANNE PEPLAU, PH.D.

I, Letitia Anne Peplau, Ph.D., hereby depose and say as follows:

1. I have actual knowledge of the matters stated in this affidavit and could and would testify as to such matters if called as a witness.

2. I have already provided an expert affidavit dated May 19, 2011 (my "Original Affidavit") in this litigation. A complete explanation of my professional background, experience, publications, and compensation appears in my Original Affidavit.

3. I have been asked to respond to three articles cited in the Memorandum of Law in Support of Intervenor-Defendant's Opposition to Plaintiff's Motion for Summary Judgment and Intervenor-Defendant's Local Rule 56.1 Response to Plaintiff's Statement of Material Facts, filed on August 1, 2011, by Defendant-Intervenor the Bipartisan Legal Advisory Group of the U.S. House of Representatives: (a) Lisa M. Diamond, *New Paradigms for Research on Heterosexual and Sexual Minority Development*, 32 J. Clinical Child & Adolescent Psychol. 492 (2003); (b) Lisa M. Diamond & Ritch C. Savin-Williams, *Explaining Diversity in the Development of Same-Sex Sexuality Among*

Young Women, 56 J. Soc. Issues 297 (2000); and (c) Nigel Dickson et al., *Same-Sex Attraction in a Birth Cohort: Prevalence and Persistence in Early Adulthood*, 56 Soc. Sci. & Med. 1607 (2003) (together, the “Articles”).

4. In preparing this affidavit I reviewed the Articles. I am also generally familiar with the scholarship of Lisa M. Diamond, the author of two of the Articles.

5. None of the Articles change, in any way, any of the expert opinions I expressed in my Original Affidavit, including my expert opinions that “[s]exual orientation refers to an enduring pattern of emotional, romantic, and/or sexual attractions to men, women, or both sexes”; that sexual orientation is “a multi-faceted phenomenon involving attractions, related behaviors, and identity”; that “[m]ost adults are attracted to and form relationships with members of only one sex”; and that “the significant majority of adults exhibit a consistent and enduring sexual orientation” (Original Affidavit ¶¶ 10, 17).

I declare under penalty of perjury that the foregoing is true and correct. Executed this 18th day of August, 2011.



Letitia Anne Peplau, Ph.D.